

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOSES BRAXTON,

Plaintiff,

vs.

TOM HERITIER, and
MICHAEL MURPHY,

Defendants.

Case No. 14-12054

HON. AVERN COHN

ORDER ADOPTING REPORT AND RECOMMENDATION (Doc. 57)
AND
GRANTING DEFENDANTS' MOTION TO TRANSFER VENUE (Doc. 36)
AND
TRANSFERRING CASE TO THE EASTERN DISTRICT OF MICHIGAN, NORTHERN
DIVISION

I.

This is a civil rights case. Plaintiff Joses Braxton, proceeding *pro se*, brings claims for civil conspiracy under 42 U.S.C. §1983 and 42 U.S.C. § 1985(3), stemming from defendants Tom Heritier and Michael Murphy's (former Saginaw Police Department officers) actions in relation to Braxton's automobile towing operations in Saginaw. The matter has been referred to a magistrate judge for pretrial proceedings. (Doc. 6). Defendants filed a motion to transfer, contending that the Northern Division is the proper forum. (Doc. 36). The magistrate judge issued a report and recommendation (MJRR), recommending that the motion be granted because the because Braxton, who was incarcerated at the time he filed suit, has since been released and relocated to Saginaw and all of the circumstances giving rise to this action

also occurred in Saginaw. (Doc. 36)

II.

Neither party has objected to the MJRR and the time for filing objections has passed. The failure to file objections to the MJRR waives any further right to appeal. Smith v. Detroit Federation of Teachers Local 231, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the MJRR releases the Court from its duty to independently review the motions. Thomas v. Arn, 474 U.S. 140, 149 (1985). However, the Court has reviewed the MJRR and agrees with the magistrate judge's analysis and conclusion.

III.

Accordingly, for the reasons stated above, the MJRR is ADOPTED as the findings and conclusions of the Court. Defendants' motion to transfer is GRANTED. This case is TRANSFERRED to the Eastern District of Michigan, Northern Division.

SO ORDERED.

S/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

Dated: September 25, 2015
Detroit, Michigan